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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 WESLEY EISOLD, an individual,

13 Plaintiff,

14 vs.

15 CODY GARRETT RUNNELS, an
16 individual, WORLD WRESTLING
17 ENTERTAINMENT, LLC, a limited
liability company; and FANATICS,
LLC., a limited liability company,

18 Defendants.

19 Case No. 2:24-cv-07516-AB-MAR

20 **DEFENDANT CODY GARRETT**
RUNNELS' NOTICE OF JOINDER
AND JOINDER IN WORLD
WRESTLING ENTERTAINMENT,
LLC AND FANATICS, LLC'S
MOTION TO DISMISS COUNTS II-V
OF PLAINTIFF'S FIRST AMENDED
COMPLAINT PURSUANT TO FED. R.
CIV. P. 12(B)(6)

21 **HEARING**

22 Date: January 24, 2024

Time: 10:00 A.M.

Courtroom: 7B

Judge: Hon. André Birotte Jr.

23 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

24 PLEASE TAKE NOTICE THAT, Defendant Cody Garrett Runnels ("Runnels")
25 hereby joins and adopts the grounds for dismissal and supporting arguments set forth
26 in the Motion of Defendants World Wrestling Entertainment, LLC and Fanatics, LLC

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28 **Defendant Runnels' Joinder to Defendants World Wrestling Entertainment, LLC and Fanatics, LLC's Motion**
to Dismiss Counts II-V of Plaintiff's First Amended Complaint (2:24-CV-07516-AB-MAR)

1 to Dismiss Counts II-V of Plaintiff Wesley Eisold's ("Plaintiff") First Amended
2 Complaint pursuant to Fed. R. Civ. P. 12(b)(6) ("Other Defendants' Motion").

3 The Other Defendants' Motion is scheduled to be heard on January 24, 2024, at
4 10:00 a.m., or as soon thereafter as this matter may be heard before the Honorable
5 André Birotte Jr. in Courtroom 7B, located at the U.S. District Court for the Central
6 District of California at 350 West First Street, Los Angeles, California 90012. Runnels
7 has concurrently filed his own Motion to Dismiss Count I of Plaintiff's First Amended
8 Complaint ("Runnels' Motion") which is scheduled to be heard on the same date and
9 time, and in the same location, as the Other Defendants' Motion.

10 Specifically, in addition to submitting and relying on the Runnels' Motion,
11 Runnels joins in and adopts all of the arguments, authorities and reasoning in support
12 of the arguments in the Other Defendants' Motion that (i) Plaintiff fails to point to any
13 facts sufficient to allege the March 14, 2021 Settlement and Coexistence Agreement
14 by and between Runnels and Plaintiff (the "Agreement") was breached (Part III.A.2);
15 (ii) Plaintiff fails to state a claim against Defendants for Federal Trademark
16 Infringement under 15 U.S.C. § 1114 and California Common Law because any
17 purported use of the "AMERICAN NIGHTMARE" trademark by Defendants was
18 authorized by, and in compliance with, the plain terms of the Agreement (Part III.C.);
19 (iii) Plaintiff fails to state a claim against Defendants for state trademark infringement
20 under section 17200, et. seq., of the California Business & Professional Code and
21 California Common Law ("UCL") because (a) Section 17200 creates a cause of action
22 for unfair competition, not trademark infringement; (b) Plaintiff has failed to plead
23 facts sufficient to satisfy the standing requirement of the UCL; and (c) even if Plaintiff
24 meant to plead state trademark infringement in violation of the Section 14200, et. seq.,
25 of California's Business and Professional Code, or otherwise meant to use state
26 trademark infringement as the underlying theory for Plaintiff's UCL claim, Plaintiff's
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1 claim still fails, as Plaintiff fails to plead he is the owner of a California state trademark
2 registration and that any purported use of “AMERICAN NIGHTMARE” by
3 Defendants failed to comply with the Agreement; and (iv) no amendment can salvage
4 Plaintiff’s deficient causes of actions. Runnels also joins in and adopts Part I
5 (Introduction and Background) and Part II (Legal Standard Governing Dismissal) of
6 the Other Defendants’ Motion. All of these arguments and grounds for dismissal filed
7 in support of the Moving Defendants’ motion are applicable to Runnels. Runnels seeks
8 the same relief for himself based on the Other Defendants’ Motion, namely, that the
9 Court dismiss from this action Counts IV and V against him. Runnels also relies on the
10 Other Defendants’ Motion with respect to his arguments in the Runnels’ Motion to
11 dismiss Count I.

12 Runnels’ Joinder in the Other Defendants’ Motion is based on this Notice of
13 Joinder and Joinder; all documents submitted in support of the Other Defendants’
14 Motion, including the Notice of Motion, the Memorandum of Points and Authorities
15 and Request for Judicial Notice, and all pleadings, papers and records of this action;
16 and such written, documentary and/or oral arguments and authorities as may be
17 presented by Runnels or the Other Defendants in support of the Runnels’ Motion and/or
18 the Other Defendants’ Motion, including in reply to any oppositions to those Motions
19 and/or at the hearing on those Motions.

20 This motion follows a conference of counsel under Local Rule 7-3 on November
21 8, 2024.
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2 DATED: November 22, 2024
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Respectfully submitted,

JAYARAM PLLC

5 By: /s/ Amanda-Jane Thomas
6 Amanda-Jane Thomas, Esq.
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ATTORNEYS FOR DEFENDANT
9 CODY GARRETT RUNNELS
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